

REMARKS

In response to the above Office Action, claim 19 has been amended to depend from claim 13 and claim 25 to depend from claim 24. In addition, claims 20 and 21 have been cancelled. Thus the claims now include four sets of claims; 1) claims 13, 14, 19, and 22; 2) claims 15-18; 3) claim 23; and 4) claims 24 and 25.

In the Office Action, the Examiner rejected claims 13-25 under 35 U.S.C. §103(a) for being obvious over U.S. Patent No. 6,969,326 to DeShiell et al., hereafter DeShiell.

Since DeShiell was published on June 17, 2004 or after the effective filing date of this application, which is the filing date of December 8, 2003 (of International Application No. PCT/JP2003/015669, 35 U.S.C. §363), it is only available as a prior art reference against this case as of its filing date of August 4, 2003 [(35 U.S.C. §102(e))].

This application claims priority of Japanese Application No. 2002-355874 filed December 6, 2002. A certified copy of the Japanese Application was filed in the International Application. See Notice of Acceptance of November 7, 2005 and paragraph 12 of the Office Action Summary.

As required by 35 U.S.C. §119, to perfect applicants' claim to priority, enclosed is a certified translation of Japanese Application No. 2002-355874 filed December 6, 2002.

Claims 13-18 and 22-24 are supported by the Japanese application. While the subject matter of claims 19 and 25 is not, these two claims have now been amended to depend from claims 13 and 24, respectively.

Accordingly, under the provisions of §119 it is believed applicants are entitled to December 6, 2002 as their effective filing date for the claims now pending in this case which is prior to the effective date of DeShiell as a prior art reference under

35 U.S.C. §102(e). Even if the teachings the Examiner is relying on in support of his rejections are taught in DeShiell's parent Application No. 10/316,453 filed December 11, 2002, this is still subsequent to applicants' effective filing date of December 6, 2002.

Accordingly, it is submitted that DeShiell is not available as a prior art reference in this case. Its withdrawal as a ground of rejection of the claims is, therefore, requested.

Regarding the obviousness-type double patenting rejection, it is noted that it is provisional since Application No. 10/537,776 is still pending.

Enclosed is a new abstract on a separate sheet of paper in compliance with M.P.E.P. §608.01(b).

It is believed claims 13-19 and 22-25 are in condition for allowance.


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this Response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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Attachments: Certified translation of Japanese Application No. 2002-355874; and New Abstract.